

10-20-1999

Docket No.:

014951/0166

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10-15-99



101175016

To the Honorable Commissioner of Patents and Trademarks Attached original documents or copy thereof.

1. Name of conveying party(ies):

BIOENTERICS CORPORATION



Name and address of receiving party(ies):

Name: ABLECO FINANCE LLC, as Agent

10-15-1999

U.S. Patent & TMO/TM Mail Rpt Dt. #26

Internal Address:

Street Address: 450 PARK AVENUE

City: NEW YORK State: NY ZIP: 10022

☐ Individual(s) citizenship

☐ Association

☐ General Partnership

☐ Limited Partnership

☐ Corporation-State

☒ Other DELAWARE LIMITED LIABILITY COMPANY

If assignee is not domiciled in the United States, a domestic designation is ☐ Yes ☐ N

(Designations must be a separate document from

Additional name(s) & address(es)

☐ Yes ☐ N

☐ Individual(s)

☐ Association

☐ General Partnership

☐ Limited Partnership

☒ Corporation-State CALIFORNIA

☐ Other

Additional names(s) of conveying party(ies)

☐ Yes ☒ No

3. Nature of conveyance:

☐ Assignment

☐ Merger

☒ Security Agreement

☐ Change of Name

☐ Other

Execution Date: 09011999

4. Application number(s) or registration numbers(s):

A. Trademark Application No.(s)

SEE
ATTACHED
SCHEDULE

B. Trademark Registration No.(s)

SEE
ATTACHED
SCHEDULE

Additional numbers

☒ Yes ☐ No

5. Name and address of party to whom correspondence concerning document should be mailed:

Name: JOSHUA R. BRESSLER

Internal Address: SCHULTE ROTH & ZABEL LLP

Street Address: 900 THIRD AVENUE

City: NEW YORK State: NY ZIP: 10022

6. Total number of applications and registrations involved: 6

7. Total fee (37 CFR 3.41): \$ 165.00

☐ Enclosed

☒ Authorized to be charged to deposit account

8. Deposit account number:

SCHULTE ROTH & ZABEL LLP - 500675

10/20/99 MTHA11 00000090 500675 207930

01 FD:481 40.00 CH
02 FD:482 125.00 CH

9. Statement and signature.

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

JOSHUA R. BRESSLER

Name of Person Signing

Signature

OCTOBER 14, 1999

Date

Total number of pages including cover sheet, attachments, and

6

TRADEMARK

REEL: 001976 FRAME: 0662

BIOENTERICS CORPORATION

TRADEMARK	REG. NO. (SERIAL NO.)
ENDOLUMINA	2,079,308
GASTROSTENOMETER	2,081,593
LAP-BAND	1,937,093
LAGB	1,937,092
BIOENTERICS	1,707,960
ARP	(75/613,892)

ASSIGNMENT FOR SECURITY(TRADEMARKS)

WHEREAS, BIOENTERICS CORPORATION (the "Assignor") has adopted, used and is using the trademarks and service marks listed on the annexed Schedule 1A, which trademarks and service marks are registered or applied for in the United States Patent and Trademark Office (the "Trademarks");

WHEREAS, the Assignor has entered into a Security Agreement, dated as of September 1, 1999 (as amended, restated, supplemented or otherwise modified from time to time, the "Security Agreement"), in favor of ABLECO FINANCE LLC, as Administrative Agent on behalf of the Lenders (as defined in the Security Agreement) (the "Assignee");

WHEREAS, pursuant to the Security Agreement, the Assignor has assigned to the Assignee and granted to the Assignee a security interest in all right, title and interest of the Assignor in, to and under the Trademarks together with the good-will of the business symbolized by the Trademarks and the applications and registrations thereof, and all proceeds thereof, including, without limitation, any and all causes of action which may exist by reason of past, present or future infringements and other violations thereof (the "Collateral"), to secure the payment, performance and observance of the Obligations (as defined in the Security Agreement);

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Assignor does hereby convey, sell, assign, transfer and set over unto the Assignee and grants to the Assignee a security interest in the Collateral to secure the prompt payment, performance and observance of the Obligations.

The Assignor does hereby further acknowledge and affirm that the rights and remedies of the Assignee with respect to the Collateral are more fully set forth in the Security Agreement, the terms and provisions of which are hereby incorporated herein by reference as if fully set forth herein.

IN WITNESS WHEREOF, the Assignor has caused this Assignment to be duly executed by its officer thereunto duly authorized as of September 1, 1999.

BIOENTERICS CORPORATION

By: 

Name: DAVID E. CHAMBERKER

Title: SECRETARY

STATE OF NEW YORK

SS.:

COUNTY OF NEW YORK

On this 1 day of September, 1999, before me personally came DAVID E. HANBERGER to me known to be the person who executed the foregoing instrument, and who, being duly sworn by me, did depose and say that he is the SECRETARY of BIOENTERICS CORPORATION, a CALIFORNIA corporation, and that he executed the foregoing instrument in the firm name of such corporation, and that he had authority to sign the same, and he acknowledged to me that he executed the same as the act and deed of said firm for the uses and purposes therein mentioned.

Elaine Gerace

ELAINE GERACE
Notary Public, State of New York
No. 01GE4896717
Qualified in Queens County
Commission Expires May 18, 2000

SCHEDULE 1A TO ASSIGNMENT FOR SECURITY

(TRADEMARK REGISTRATIONS AND APPLICATIONS)

BIOENTERICS CORPORATION

TRADEMARK	REG. NO. (SERIAL NO.)
LAP-BAND	99248 (California)
MICRO-ILLUMINATOR	98700 (California)
ENDOLUMINA	97879 (California)
ENDOLUMINA	2,079,308
GASTROSTENOMETER	2,081,593
LAP-BAND	1,937,093
LAGB	1,937,092
BIOENTERICS	1,707,960
ARP	(75/613,892)
MICROLUMINA	(74/716,167)
MICROENDOLUMINA	(75/431,204)
ENDOLUMINA	(74/600,937)
EIB	(74/600,936)
GASTROSTENOMETER	(74/600,934)

BIOENTERICS CORPORATION

TRADEMARK	REG. NO. (SERIAL NO.)
ENDOLUMINA	2,079,308
GASTROSTENOMETER	2,081,593
LAP-BAND	1,937,093
LAGB	1,937,092
BIOENTERICS	1,707,960
ARP	(75/613,892)